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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,732	08/10/2001	Yee J. Wu	03797.00161	4817

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/925,732

Applicant(s)

WU, YEE J.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/16/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7-9,10,16,19 and 25 are objected to because of the following informalities:

In claims 2, 11, 20, there is no antecedent basis for the "first predetermined number of frames".

In claims 7, 16 and 25 there is no clear antecedent basis for "the particular device" since there is no "particular device" recited in claims 1,10 and 19.

In claim 10, it is not clear where the location of application since there is no memory or medium recited in claim to store the application . Therefore it is unclear how the application can be retrieved and executed to perform the steps recited in claim 10 . It is suggested that claim 10 at column 2, "the application" should be changed to -- stored on a medium to perform a method comprising the steps off --.

Claim 19, after command should inserted -- executed by a computer for performing a method --

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-6, 10-12, 14-15, 19-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (5,969,897) in view of Ohtsuki et al (4,363,049).

Regarding claim 10, Morita discloses a system (Figs. 3 and 4, column 6) for streaming digital video (DV) data to a DV device, the system comprising a host device running an application, the application pre-rolling a predetermined number of frames of DV data (column 6, lines 4-30); sending a command to the DV device to place the DV device in a RECORD PAUSE state; waiting a predetermined period of time for the DV device to become ready to record DV data; sending a command to the DV device to place the DV device in a RECORD transport state; and sending DV data to the DV device (column 6, lines 15-25).

Method claims 1 and 19 correspond to apparatus claim 10. Therefore method claims 1 and 19 are rejected by the same reason as applied to apparatus 1.

Morita fails to specifically teach prerolling for a predetermined number of frames.

Ohtsuki et al teaches a control means for prerolling a predetermined number of frames (column 12, lines 1-110).

It would have been obvious to one of ordinary skill in the art to modify Morita with Ohtsuki by using a control means as by Ohtsuki with the apparatus of Morita for prerolling a predetermine number of frames of the predetermined period time thereby accurately accessing and editing the digital video stream .

Regarding claims 2-3,11,12 and 20-21, Morita as modified with Ohtsuki fails to teaches the predetermined number of frames is prerolled is based on a particular DV device .

However, it is noted that a particular DV device that has is known in the art as admitted by applicant in the specification .Therefore official notice is taken and it would have been obvious to one of ordinary skill in the art to set a predetermine number of frames for a particular DV device based the manufacturer specification for a particular device .

Regarding claims 5,6,14,15 and 23-24, Morita as modified with Ohtsuki fails to specifically teaches that each frame having a duration abut 33 seconds or 40 seconds . However, it is noted that a vide steam having a duration (NTSC system ) and 40 seconds (PALM system) is well known recognized in the art Therefore official notice is taken and it would have been obvious to one of ordinary skill in the art by providing the DV device with a video stream that has each frame with 33 second duration or 40 second duration as an alternative video stream.

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4. Claims 4, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Ohtsuki et al as applied to claims 1, 10 and 19 above, further in view of Inoue (6,628,889).

Regarding claims 4 and 13, Morita as modified with Ohtsuki fails to teach means for a step of sending a command to the DV device for performing an absolute track number search for a selected track number.

Inoue teaches a recording apparatus having a searching means for using the absolute track number for searching a track (column 10, line 50-57). It would have been obvious to one of ordinary skill in the art to modify Morita as modified with Ohtsuki with Inoue by using a searching means as taught by Inoue with the apparatus of Morita as modified with Ohtsuki for searching a track thereby accurately identifying a location to be searched.

5. Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Ohtsuki et al as applied to claims 1, 10 and 19 above further in view of Suda et al (2003/0134590).

Regarding claims 9, 18 and 27, Morita as modified with Ohtsuki fails to teach using an IEEE-1394 bus for conveying commands. However, it is noted that using IEEE 1394 bus for conveying commands and data is well known in the art as taught by Suda (section 0077 page 3). Therefore, it would have been obvious to one of ordinary skill in the art to modify Morita with Suda for using an IEEE 1394 bus for conveying

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command thereby improving the transfer speed of the command when the apparatus is used with a computer.

6. Claims 7-8,16-17 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Ohtsuki et al as applied to claims 1,10 and 19 above, further in view of Hatano (6,951,031) .

Regarding claims 7, 16 and 25, Morita fails to teaches a means for querying a user for information identifying the particular DV device; and receiving information from the user identifying the particular DV device.

Hatano teaches a recording apparatus having a control means for querying for selecting a particular device for recording the video signal (Fig. 8, column 10, lines 39-60) . It would have been obvious to one of ordinary skill in the art to modify Morita with Hatano by using a control means as taught by Hatano with Morita apparatus for selecting a particular device for record the video signal therefore enhancing the function and capacity of the apparatus of Morita for selecting a particular device for recording the video signal.


Regarding claims 8, 17 and 26, Morita as modified with Hatano further teaches the method according to claim 7, wherein the step of querying the user includes a step of displaying a list identifying a plurality of DV devices (Hatano , Fig. 8).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
HUY NGUYEN  
PRIMARY EXAMINER

H.N